

## **REMARKS/ARGUMENTS**

### **Rejection under 35 U.S.C. §102(e)**

The Office Action states that Claims 1, 16 and 21 are rejected under 35 U.S.C. §102(e) as being anticipated by Garcia-Luna-Aceves et al. (US Patent N° 6,683,865) (hereinafter Garcia).

The Applicant has amended Claim 1. More precisely, the Applicant has inserted the limitations of original Claims 2 and 5 in original Claim 1. The Applicant believes that new Claim 1 is fully supported by the disclosure.

The Applicant now claims in Claim 1: *“A method for establishing a communication link from a first processing unit located in a first network to a second processing unit located in a second network, through a wireless network comprising a plurality of nodes, said method comprising:*

*generating a plurality of dynamic routes using each of said plurality of nodes; in a first gateway, selecting one of the plurality of dynamic routes between the nodes to access a second gateway, the first gateway adapted for accessing the wireless network and said first processing unit, the second gateway adapted for accessing the wireless network and said second processing unit; and*

*establishing a tunnel between the first gateway and the second gateway using the selected route to thereby establish said communication link; wherein said generating comprises, for a given node, detecting a neighboring node to said given node, collecting data identifying said detected neighboring node and transmitting to the first gateway said data identifying said detected neighboring node with data identifying said given node to generate said plurality of dynamic routes.”*

The Applicant believes that new Claim 1 is not anticipated by Garcia. More precisely, the Applicant believes that the limitation *“wherein said generating comprises, for a given node, detecting a neighboring node to said given node, collecting data identifying said detected neighboring node and transmitting to the first gateway said data identifying said*

*detected neighboring node with data identifying said given node to generate said plurality of dynamic routes*" is not disclosed by Garcia.

As disclosed at Column 11, lines 4-10 of Garcia: "*In this case, a router that originates a packet for a destination and has no routing information for that destination may send search packets to its neighbors in order to find an intended destination. The search packet sent to a given neighbour specifies: the address of the intended destination, the address of the intended receiver of the packet, and a source route.*" The Applicant submits that this does not teach claim 1. In Claim 1, data identifying the detected neighboring node is collected from a neighboring node. No search packet is sent to the neighboring node per se. Moreover, while Garcia discloses that the search packet comprises, *inter alia*, the address of an intended destination, the Applicant submits that Claim 1 does not teach such limitation.

In Claim 1, it is disclosed that the data identifying the detected neighboring node that is collected is transmitted to the first gateway with data identifying the given node to generate said plurality of dynamic routes.

For anticipation under 35 U.S.C. §102, the reference "*must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.*" (MPEP §706.02). "*A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*" Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant therefore believes that Claim 1 is not anticipated by Garcia.

The Applicant has canceled without prejudice dependent Claims 2 and 5. The Applicant has amended Claims 3, 4, 6-9. The Applicant believes that Claims 3, 4, 6-15 are new in view of Garcia since they are dependent from Claim 1, which is believed to be new in view of Garcia.

Similarly, the Applicant has amended Claim 16 to add limitations similar to Claim 1.

The Applicant therefore believes that new Claim 16 is new in view of Garcia.

The Applicant believes that claims 17-20 are new in view of Garcia since they are dependent from Claim 16 which is believed to be new in view of Garcia.

The Applicant has cancelled claims 21-24 without prejudice.

Rejection under 35 U.S.C. §103(a)

The Office Action states that Claims 4-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garcia as applied to Claims 1-2 above, and further in view of Ahmed *et al.* (EP1137224).

The Office Action states that Claims 13 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garcia as applied to Claims 1 and 16 and further in view of Tuomenoksa *et al.* (US 2002/0023210).

The Office Action states that Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Garcia as applied to Claim 16, and further in view of Official notice.

At this point, the Applicant believes that Claim 1 is not obvious in view of Garcia.

The Applicant submits that in Garcia, Media Access Control (MAC) addresses (i.e. Layer 2 data) are used for identifying a node as clearly shown in Fig. 2 and 4 of Garcia.

Because of the use of MAC addresses for identifying nodes, Garcia requires the knowledge of all the nodes in the network. The skilled addressee will appreciate that this can become very costly in terms of bandwidth in case of dynamic changes in the configuration. Operating at the Layer 3 (Network Layer), instead of Layer 2 data (i.e. using MAC addresses) is therefore not obvious since it would have been very desirable to solve bandwidth issues that are keys in wireless transmissions. At the opposite, the Applicant submits that the use of the use of Layer 3 data for identifying a node is advantageous over the prior art for generating a plurality of dynamic routes. In particular, it is respectfully submitted that in the case where MAC addresses are used, it is not

possible to broadcast those MAC addresses over an IP Virtual Private Network (VPN) through a public connection. This therefore limits nodes connection.

The Applicant therefore believes that amended Claim 1 is not obvious in view of Garcia.

The Applicant believes that Claims 3, 4, 6 to 15 are not obvious in view of Garcia since they are dependent from Claim 1 which is believed to be non-obvious in view of Garcia.

Similarly, the Applicant believes that amended Claim 16 is not obvious in view of Garcia.

The Applicant believes that Claims 17-20 are not obvious in view of Garcia since they are dependent from Claim 16 which is not obvious in view of Garcia.

The Applicant therefore believes that this objection is fully overcome.

In view of the foregoing, reconsideration of the rejection of Claims 1 to 20 is respectfully requested. It is believed that Claims 1-20 are allowable over the prior art and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

GEOFFRION, Jean

By:



Alexandre Abecassis (Reg. No. 58,883)  
Agent of Record

Tel.: (514) 397-4387

**CUSTOMER NUMBER 70096**